

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

TENTATIVE ORDER NO. R9-2002-0002
NPDES PERMIT NO. CA0109363

WASTE DISCHARGE REQUIREMENTS

FOR

U.S. NAVY

NAVAL BASE POINT LOMA

SAN DIEGO COUNTY

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Monitoring and Reporting Program No. R9-2002-0002

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The California Regional Water Quality Control Board, San Diego Region, (hereinafter Regional Board), finds that:

1. As identified in Finding 2 below, the U.S. Navy discharges waste containing pollutants that could affect the quality of waters of the state to San Diego Bay from industrial and storm sewer outfalls at a complex of 8 separate Naval installations referred to as *Naval Base Point Loma Complex (NBPL)*. The NBPL Complex is located in the northern part of San Diego Bay along the eastern and western shore of the Point Loma Peninsula from Ballast Point to Taylor Street as shown on the maps included in Attachment A. Most of the NBPL installations are within the *Point Loma Hydrologic Subarea* of the *Pueblo San Diego Hydrologic Unit* (908.10), however, one is in the *Lindberg Hydrologic Sub Area* of the *Pueblo San Diego Hydrologic Unit* (908.21), and another is within the *Mission San Diego Hydrologic Sub Area* (907.11) of the *San Diego Hydrologic Unit* (907.00). The locations of discharges from NBPL are listed below:

- *Naval Submarine Base, San Diego (SUBASE)*: The discharges from SUBASE are listed in Attachment B, Table 1. *Discharge Coordinates for SUBASE.*
- *Magnetic Silencing Facility (MSF)*: The discharges from the MSF are listed in Attachment B, Table 2. *Discharge Coordinates for MSF.*
- *Fleet Anti-Submarine Warfare Training Center, Pacific (FASW)*: Manhole dewatering, landscape runoff, potable water, and fire system discharges may occur. Latitude and longitude coordinates were not included in the report of waste discharge (RWD).
- *Navy Public Works Center, Taylor Street Facility (PWC TSF)*: Manhole dewatering, landscape runoff, potable water, and fire system discharges may occur. Latitude and longitude coordinates were not included in the RWD.
- *Space and Naval Warfare Systems Center, San Diego, Point Loma Campus (SSC San Diego PLC)*: The discharges from the SSC San Diego PLC are listed in Attachment B, Table 3. *Discharge Coordinates for SSC San Diego PLC.*
- *Space and Naval Warfare Systems Center, Old Town Campus (SSC San Diego, OTC)*: Industrial storm water discharges, occur at several locations. Manhole dewatering, landscape runoff, potable water, and fire system

discharges may occur. Latitude and longitude coordinates were not included in the RWD.

- *Fleet Combat Training Center, Pacific (FCTCPAC)*: Manhole dewatering, landscape runoff, potable water, and fire system discharges may occur. Latitude and longitude coordinates were not included in the RWD.
 - *Fleet and Industrial Supply Center (FISC) Pt. Loma*: Industrial storm water discharges occur at several locations. Manhole dewatering, landscape runoff, potable water, and fire system discharges may occur. Latitude and longitude coordinates were not included in the RWD.
2. The *point source* discharges as identified in the RWD are grouped into twelve general industrial processes:
- Utility Vault and Manhole Dewatering;
 - Steam Condensate;
 - Cooling Water;
 - ARCO Ballast Tanks;
 - MSF Pier Cleaning;
 - Dolphin Pools;
 - Unused San Diego Bay Water;
 - Abalone Tanks and Bioassay Trailer Discharges;
 - Pier Boom Cleaning;
 - Mammal Enclosure Cleaning;
 - Small Boat Rinsing; and
 - Miscellaneous Discharges (landscape watering runoff, potable water & fire system maintenance).

Descriptions of the point source discharges and of the industrial storm water discharges are in the *Fact Sheet* for this Order.

3. The State Water Resources Control Board (State Board), in the *Water Quality Control Policy for Enclosed Bays and Estuaries of California* (Bays and Estuaries Policy), promulgated principles for management of water quality, quality requirements for waste discharges, discharge prohibitions, and general provisions to prevent water quality degradation and to protect the beneficial uses of waters of enclosed bays and estuaries that are applicable to San Diego Bay.
4. The State Board promulgated statewide general waste discharge requirements for discharges associated with

- underground utility vaults and underground structures (Water Quality Order No. 2001-11-DWQ [NPDES Permit No. CAG990002]) and for discharges of storm water runoff associated with industrial activities (Water Quality Order No. 97-03-DWQ, [NPDES No. CAS000001]).
5. The discharges from the NBPL electrical utility vaults are regulated by *California State Water Resources Control Board, Water Quality Order No. 2001-11-DWQ, Statewide General National Pollutant Discharge Elimination System (NPDES) Permit for Discharges from Utility Vaults and Underground Structure to Surface Waters, General Permit No. CAG990002, Waste Discharge Requirements (General Utility Vault Permit)*. This Order includes pertinent specifications, limitations and monitoring requirements from the General Utility Vault Permit. This Order includes additional specifications, reporting requirements, and monitoring requirements not required by the General Utility Vault Permit. For the NBPL, this Order supersedes the General Utility Vault Permit.
 6. The Navy submitted *Notices of Intent (NOI)* to comply with the *State Water Resources Control Board (State Water Board), Water Quality Order No. 97-03-DWQ, National Pollutant Discharge Elimination System (NPDES), General Permit No. CAS000001 (General Permit), Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities (General Industrial Storm Water Permit)* for 5 of the 8 installations at NBPL. This Order includes pertinent specifications, limitations, and monitoring requirements from the General Industrial Storm Water Permit. This Order includes additional specifications, reporting requirements, and monitoring requirements not required by the General Industrial Storm Water Permit. For the NBPL, this Order supersedes the General Industrial Storm Water Permit.
 7. This Order requires the discharger to implement *Best Available Technology Economically Achievable (BAT)* and *Best Conventional Pollutant Control Technology (BCT)* to reduce or prevent pollutants associated with industrial activity in storm water discharges and authorized non-storm water discharges.
 8. The Clean Water Act, Section 402(p)(3)(A), requires that permits for discharges associated with industrial activity include requirements necessary to meet water quality standards. This Order requires the discharger to achieve effluent limits for toxicity in its industrial storm water discharge. This Order requires the industrial storm water

discharges from the SUBASE be free from toxic materials in toxic amounts.

9. Ship repair and maintenance activities may allow pollutants and wastes to be discharged to waters of the United States. The discharge of wastes from ship repair and maintenance activities are prohibited in this Order. Storm water discharges from areas that are used for ship repair and maintenance activities at the NBPL could result in discharges of significant quantities of copper or zinc.
10. The industrial storm water discharges from ship repair and maintenance activities at SUBASE may result in toxic discharges with a *high risk* potential to impact water quality. *High risk areas* are areas where wastes or pollutants (including abrasive blast grit material, primer, paint, paint chips, solvents, oils, fuels, sludges, detergents, cleaners, hazardous substances, toxic pollutants, non-conventional pollutants, materials of petroleum origin, or other substances of water quality significance) are subject to exposure to precipitation and runoff. This Order requires the termination of the first $\frac{1}{4}$ inch of storm water runoff from high risk areas within 2 years after the adoption of this Order.
11. The NBPL will be subject to the requirements of a Municipal Storm Water Permit beginning in March 2003.
12. Pursuant to the *Atomic Energy Act*, this Regional Board does not have jurisdictional authority to regulate the discharges of radioactive wastes. Therefore, this Order does not regulate discharges of radioactive wastes from nuclear submarine propulsion plants or from nuclear support facilities.
13. The State Board *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (Implementation Policy) provides guidance for the development of effluent limits for toxic priority pollutants that will be consistent with water quality criteria for such pollutants promulgated by the U.S. EPA in 40 CFR 131.38 (the California Toxics Rule).
14. The *Water Quality Control Plan, San Diego Basin (9)* (Basin Plan) designates beneficial uses and establishes narrative and numerical water quality objectives, and prohibitions, which are applicable to the discharges regulated under this Order.

15. Pursuant to 40 CFR 131.12 and State Board Resolution No. 68-16, *Statement of Policy with Respect to Maintaining High Quality of Waters in California* (collectively *antidegradation policies*), antidegradation analysis is not necessary since this Order protects existing instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected.
16. Effluent limitations, and inland surface waters criteria, and enclosed bays and estuaries criteria established under Sections 301, 302, 303(d), 304, 306, and 402 of the CWA, as amended (33 U.S.C. 1251 et seq.), are applicable to the discharge.
17. This Regional Board, in establishing the requirements contained herein, considered factors including, but not limited to, the Beneficial Uses to be protected and the water quality objectives reasonably required for that purpose. The Basin Plan (p. 2-47, *Table 2-3. Beneficial Uses of Coastal Waters*) establishes the following beneficial uses for the waters of San Diego Bay:
 - a. Industrial Service Supply;
 - b. Navigation;
 - c. Contact Water Recreation;
 - d. Non-contact Water Recreation;
 - e. Commercial and Sport Fishing;
 - f. Preservation of Biological Habitats of Special Significance;
 - g. Estuarine Habitat;
 - h. Wildlife Habitat;
 - i. Rare, Threatened, or Endangered Species;
 - j. Marine Habitat;
 - k. Migration of Aquatic Organisms; and
 - l. Shellfish Harvesting.
18. The issuance of waste discharge requirements for this discharge is exempt from the requirement for preparation of environmental documents under the California Environmental Quality Act (Public Resources Code, Division 13, Chapter 3, Section 21000 et seq.) in accordance with the California Water Code, Section 13389.
19. Sections 13263 and 13377 of the Porter-Cologne Water Quality Control Act require waste discharge requirements to implement and ensure compliance with applicable federal regulations implementing the Clean Water Act as well as state and regional water quality control plans and policies, including Bays and Estuaries Policy, Anti-Degradation Policy, Implementation Policy, Basin Plan, etc.

20. Water quality objectives from the California Toxics Rule, the Basin Plan, and the Implementation Policy were considered when establishing the receiving water limits in this Order.
21. In an enforcement action it shall not be a defense for the discharger that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with this Order.
22. The discharger may have solid residues from wastewater treatment or discharge. The requirements in this Order do not regulate discharges of solid wastes from wastewater treatment or discharge. The discharger is required to file a RWD and obtain waste discharge requirements (WDR) prior to any discharge of solid waste to land or to waters of the state.
23. This Regional Board has considered all water resource related environmental factors associated with the discharge of wastes from the NBPL Complex to San Diego Bay.
24. This Regional Board may modify or revoke requirements herein, and prohibit discharges regulated thereby, if on the basis of any new data, this Regional Board determines that continued discharges may cause unreasonable degradation of the marine environment, (this includes any evaluation of monitoring data required by this Order pursuant to the Implementation Policy).
25. This Order does not convey any property rights of any sort or any exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property of another, nor protect the discharger from its liabilities under federal, state, or local laws, nor create a vested right for the discharger to continue its waste discharge.
26. This Regional Board has notified the discharger and all known interested parties of its intent to issue NPDES waste discharge requirements for the discharges of waste from the NBPL.
27. This Regional Board has, at a public meeting, heard and considered all comments pertaining to the discharge of wastes from the U.S. Navy, NBPL Complex, to San Diego Bay.

IT IS HEREBY ORDERED, that the U.S. Navy (hereinafter discharger), in order to meet the provisions contained in Division 7 of the California Water Code (CWC) and regulations adopted thereunder, and the provisions of the Clean Water Act (CWA) and the regulations adopted thereunder, shall comply with the following requirements for discharges of wastes from NBPL Complex to San Diego Bay:

A. Prohibitions

1. Discharges of the following wastes are prohibited:

- paint chips;
- blasting materials;
- paint over spray;
- paint spills;
- water contaminated with abrasive blast materials, paint, oils, fuels, lubricants, solvents, or petroleum;
- hydroblast water;
- tank cleaning water from tank cleaning to remove sludge and/or dirt;
- clarified water from oil and water separator, except for storm water discharges treated by an oil and water separator and reported by the U.S. Navy to the Regional Board;
- steam cleaning water;
- demineralizer and reverse osmosis brine;
- water from the ARCO's wastewater holding tanks when the drydock is in use as a work area; and
- oily bilge water.

2. The thermal waste discharge from the diesel engine cooling water discharge at the *Magnetic Silencing Facility* (MSF) shall not be greater than 4°F above the natural temperature of the receiving water.
3. Compliance with the waste discharge prohibitions contained in the Basin Plan and listed in *Attachment C* hereto is required as a condition of this Order. [Basin Plan (BP)]
4. Discharges of wastes that have not been described in the RWD and Fact Sheet for this Order, and discharges of waste in a manner or to a location that has not been specifically described in the RWD and Fact Sheet for this Order are

prohibited unless regulated by applicable waste discharge requirements.

5. Except as allowed in *Attachment D, Storm Water Pollution Prevention Plan* (SWPPP) requirements of this Order, non-storm water discharges that discharge either directly or indirectly to waters of the United States are prohibited. Prohibited non-storm water discharges must be either eliminated or permitted by a separate NPDES permit.
6. Industrial storm water discharges and authorized or permitted non-storm water discharges shall not cause or threaten to cause pollution, contamination, or nuisance as defined in CWC Section 13050.
7. Wastes shall not be discharged into or adjacent to areas where the protection of beneficial uses requires spatial separation from waste fields. (EBEP)

B. DISCHARGE SPECIFICATIONS

1. The discharger shall not cause pollution, contamination, or nuisance, as those terms are defined in CWC 13050, as a result of the treatment or discharge of wastes.
2. Whenever the analyses of an industrial storm water discharge from any industrial activity contains a copper concentration greater than 63.3 µg/L or a zinc concentration greater than 117 µg/L, the discharger shall perform the following task:
 - a) review and modify the SWPPP as necessary to reduce the concentrations of copper and zinc;
 - b) after modifying the SWPPP, sample and analyze the next 2 storm water runoff events;
 - c) document the review and the modifications to the SWPPP, and document the sampling analysis.
3. For the SUBASE facility, the discharge of the first ¼ inch of storm water runoff from all high risk¹ areas shall be terminated no later than 2 years after the adoption of this Order.

¹ *High risk areas* are areas where wastes or pollutants (including abrasive blast grit material, primer, paint, paint chips, solvents, oils, fuels, sludges, detergents, cleaners, hazardous substances, toxic pollutants, non-conventional pollutants, materials of petroleum origin, or other substances of water quality significance) are subject to exposure to precipitation and runoff.

4. For the SUBASE facility, effective 2 years after the adoption of this Order, in a 96-hour static or continuous flow bioassay (toxicity) test, undiluted storm water runoff associated with industrial activity shall not produce less than 90% survival, 50% of the time, and not less than 70 percent survival 10% of the time, using standard test species and protocol approved by the Executive Officer. During the 2 year period before the effective date of the toxicity limit, the acute toxicity survival rate shall be a performance goal.
5. All waste treatment, containment and disposal facilities shall be protected against 100-year peak stream flows as defined by the San Diego County flood control agency.
6. All waste treatment, containment and disposal facilities shall be protected against erosion, overland runoff and other impacts resulting from a 100-year frequency 24-hour storm.
7. Collected screenings, sludges, and other solids removed from liquid wastes, shall be disposed of in compliance with appropriate local, regional, state, and federal regulations or statutes.

C. RECEIVING WATER LIMITATIONS

1. The discharge of wastes shall not cause or contribute to an exceedence of any applicable water quality objective or standards contained in a Statewide Water Quality Control Plan, the California Toxics Rule, or the San Diego Basin Plan.
2. Storm water discharges and authorized non-storm water discharges to any surface or ground water shall not adversely affect human health or the environment.
3. For the industrial storm water discharges, the discharger shall comply with *Receiving Water Limitations C.1 and C.2* through timely implementation of control measures and other actions to reduce or prevent pollutants in the discharges in accordance with the SWPPP and other requirements of this Order including any modifications. The SWPPP shall be developed and implemented to achieve compliance with Receiving Water Limitations. If exceedence of water quality objectives or water quality standards (collectively, WQS) persist notwithstanding implementation of the SWPPP and other requirements of this Order, the discharger shall

assure compliance with all *Receiving Water Limitations* by complying with the following procedure:

- a. Within 30 days after a determination by either the discharger or this Regional Board that discharges are causing or contributing to an exceedence of an applicable WQS, the discharger shall submit a report to this Regional Board that describes the Best Management Practices (BMP) that are currently being implemented and the additional BMP that will be implemented to prevent or reduce any pollutants that are causing or contributing to the exceedence of WQS. The report shall include an implementation schedule. This Regional Board may direct an earlier report submittal or may require modifications to the report.
 - b. Submit any modifications to the report required by this Regional Board within 30 days of notification.
 - c. Within 30 days following submittal of the modifications required above, the discharger shall revise the SWPPP and monitoring program to incorporate the required modified BMP that have been and will be implemented, implementation schedule, and any additional monitoring required.
 - d. Implement the revised SWPPP and monitoring program in accordance with the required schedule.
4. If the discharger has complied with the above procedures and is implementing the revised SWPPP, the discharger does not have to repeat the same procedure for continuing or recurring exceedences of the same receiving water limitations unless directed by this Regional Board to develop additional BMP.
 5. The discharge of wastes to waters of the State or San Diego Bay shall not by itself or jointly with any discharge(s) cause violation of the following water quality objectives.
 - a. Physical Characteristics
 - (1) Waters shall not contain oils, greases, waxes, or other materials in concentrations which result in a visible film or coating on the surface of the water or on objects in the water, or which cause nuisance or which otherwise adversely affect beneficial uses. [BP]

- (2) Waters shall not contain floating material, including solids, liquids, foams, and scum in concentrations which cause nuisance or adversely affect beneficial uses. [BP]
- (3) The suspended sediment load and suspended sediment discharge rate of surface waters shall not be altered in such a manner as to cause nuisance or adversely affect beneficial uses. [BP]
- (4) Waters shall not contain suspended and settleable solids in concentrations of solids that cause nuisance or adversely affect beneficial uses. [BP]
- (5) Waters shall not contain taste or odor producing substances at concentrations, which cause a nuisance or adversely affect beneficial uses. [BP]
- (6) The transparency of bay waters, insofar as it may be influenced by any controllable factor, either directly or through induced conditions, shall not be less than 8 feet in more than 20 percent of the readings in any zone, as measured by a standard Secchi disk. Wherever the water is less than 10 feet deep, the Secchi disk reading shall not be less than 80 percent of the depth in more than 20 percent of the readings in any zone. [BP]

b. Chemical Characteristics

- (1) Dissolved oxygen levels shall not be less than 5.0 mg/L. The annual mean dissolved oxygen concentration shall not be less than 7 mg/L more than 10% of the time. [BP]
- (2) The pH shall not be changed at any time more than 0.2 units from that which occurs naturally. The pH shall not be depressed below 7.0 nor raised above 9.0. [BP]
- (3) The San Diego Bay waters shall not contain biostimulatory substances in concentrations that promote aquatic growth to the extent that such growths cause nuisance or adversely affect beneficial uses. [BP]

- (4) The discharge of wastes shall not cause concentrations of un-ionized ammonia (NH_3) to exceed 0.025 mg/l (as N) in San Diego Bay. [BP]
- (5) No individual pesticide or combination of pesticides shall be present in the water column, sediments or biota at concentration(s) that adversely affect beneficial uses. Pesticides shall not be present at levels which will bioaccumulate in aquatic organisms to levels which are harmful to human health, wildlife or aquatic organisms. [BP]

c. Radioactivity

Radionuclides shall not be present in concentrations that are deleterious to human, plant, animal, or aquatic life nor that result in the accumulation of radionuclides in the food web to an extent that presents a hazard to human, plant, animal or aquatic life. [BP]

d. Toxicity

All waters shall be maintained free of toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in human, plant, animal, or aquatic life. Use of indicator organisms, analyses of species diversity, population density, growth anomalies, bioassays of appropriate duration, or other appropriate methods will determine compliance with this objective. [BP]

D. PROVISIONS

- 1. Within 1 year of the adoption of this Order the discharger shall develop and submit to this Regional Board for review a sediment monitoring program plan analyzing the potential impacts to the sediments from the discharges of storm water or other waste discharges containing high levels of copper and zinc. Upon the request of this Regional Board the discharger shall modify the sediment monitoring program plan. The sediment monitoring program plan must include monitoring for polynuclear aromatic hydrocarbons (PAH).
- 2. The discharger shall reduce or prevent pollutants associated with industrial activity in storm water discharges and authorized non-storm water discharges through implementation of *best available technology economically achievable* (BAT) for toxic and non-conventional pollutants, and *best*

conventional pollutant control technology (BCT) for conventional pollutants.

3. The discharger shall develop and implement a *Storm Water Pollution Prevention Plan (SWPPP)* that complies with the requirements in *Attachment D, Section A* of this Order and that includes *Best Management Practices (BMP)* that achieve BAT and BCT.
4. The discharger shall implement the *Marine Pollution Control Devices (MPCD)* requirements for discharges from the ARCO floating drydock when they are developed pursuant to the *Uniform National Discharge Standards (UNDS) for Armed Forces Vessels*.
5. The discharger shall comply with the *Provisions* listed in *Attachment E*.
6. The discharger shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this Order, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the noncomplying discharge.
7. The discharger shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if this Order has not yet been modified to incorporate the requirement.
8. The discharger shall allow this Regional Board, or its authorized representative, or any representative of the United States Environmental Protection Agency, upon the presentation of credentials and other documents as may be required by law, to:
 - a. Enter upon the discharger's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Order;
 - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order;
 - c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices

or operation regulated or required under this Order;
and

- d. Sample or monitor, at reasonable times, for the purposes of assuring compliance with this Order or as otherwise authorized by the Clean Water Act or California Water Code, any substances or parameters at any location.
9. The discharger shall, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the discharger to achieve compliance with the conditions of this Order. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this Order.
10. Upon reduction, loss, or failure of the treatment facility, the discharger shall, to the extent necessary to maintain compliance with this Order, control production of all discharges, or both, until the facility is restored or an alternative method of treatment is provided.
11. A copy of this Order shall be posted at a prominent locations at each of the Installations at the *U.S. Naval Base Point Loma Complex*, and shall be available to operating personnel (Navy personnel or ships' force, civil service personnel, and civilian contractors) at all times.
12. The provisions of this Order are severable, and if any provision of this Order, or the application of any provision of this Order to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this Order, shall not be affected thereby.

E. SPECIAL CONDITIONS FOR UTILITY VAULT & MANHOLE DEWATERING DISCHARGES

1. The discharger shall reduce or prevent pollutants associated with utility vault & manhole (utility vault) dewatering discharges through implementation of *best available technology economically achievable* (BAT) for toxic and non-conventional pollutants, and *best conventional pollutant control technology* (BCT) for conventional pollutants.

2. The discharger shall develop and implement a *Pollution Prevention Plan* (PLAN) that complies with the requirements in this Order and that includes *Best Management Practices* (BMP) that achieve BAT and BCT.
3. The following elements shall constitute a complete and acceptable PLAN.
 - a. The PLAN shall be divided into at least four sections:
 - (1) Scheduled Discharges;
 - (2) Unscheduled Discharges;
 - (3) Reservoir Discharges, if any; and
 - (4) Emergency Operation Discharges.
 - b. A map showing the essential features of the distribution system for the service area within this Regional Board's boundary and showing the corresponding surface waters to which water may be discharged. The map should be to a scale of 1:24000 if practical. If the above scale is not practical, then a scale of up to 1:144000 may be used. If this scale is not practical as well, then the map may be larger than 8-1/2" x 11".
 - c. For each section of the PLAN, include a narrative description of the following:
 - (1) The types of discharges that occur.
 - (2) The pollutant constituents expected in each type of discharge.
 - (3) The approximate duration (expressed as a range) of each type of discharge.
 - (4) Existing structural and nonstructural control measures (if any) to reduce pollutants in discharges to surface water.
 - d. The PLAN shall identify any different types of utility vault discharges and potential sources of pollutants. For each section of the PLAN, describe the applicable BMP. A BMP shall be developed for each type of discharge and be included in the PLAN. The BMP shall include:
 - (1) A detailed description;
 - (2) The standard operating procedures;
 - (3) Samples of any necessary field calculations;
 - (4) Monitoring and evaluation procedures;
 - (5) Structural diagrams where necessary to understand the BMP;
 - (6) Advantages and limitations; and
 - (7) References used to develop the BMP.

4. The PLAN shall be designed to comply with *best available technology* (BAT), *best conventional pollutant control technology* (BCT), and to ensure compliance with water quality standards.
5. The PLAN shall be retained by the discharger and distributed to the appropriate personnel responsible for implementing the requirements for the utility vault discharges.
6. The discharger shall amend the PLAN whenever there is a change in construction, operation, or maintenance, when such amendment is necessary to ensure compliance with BAT, BCT, and receiving water limits. The PLAN shall also be amended if it is in violation of any conditions of this Order or has not achieved the general objective of controlling pollutants in discharges to surface waters.
7. This Regional Board may notify the discharger that the discharger's PLAN does not meet one or more of the minimum requirements of this section, *E. Special Conditions for Utility Vault Discharges*. A time schedule to make the changes will be included with this notification. After making the required changes, the discharger shall provide written certification that the changes have been made.
8. The PLAN and any amendments thereto shall be certified in accordance with the signatory requirements of Standard Provision B.2.
9. The PLAN shall be submitted to this Regional Board within 6 months of the adoption of this Order.
10. Any subsequent modifications to the PLAN shall be submitted with the annual report for utility vault discharges.
11. If an exceedence of a *Receiving Water Limitations* has been identified by the discharger or by this Regional Board as a result of a utility vault discharge, either of the following actions shall be undertaken to ensure compliance with this Order:
 - a. The discharger shall demonstrate to the satisfaction of this Regional Board that the discharger is fully implementing its PLAN and continued implementation of the PLAN will prevent future exceedence of the receiving water limits; or
 - b. The discharger shall develop and submit new or revised BMP to prevent future exceedence. The discharger shall

implement such BMP and document the progress of implementation and effectiveness thereof in the Annual Report to this Regional Board's Executive Officer.

12. Solids removed from liquid wastes shall be disposed of in a manner that is consistent with applicable local, state, and federal regulations and statutes.

F. REPORTING REQUIREMENTS

1. Annually, the discharger shall evaluate the data collected pursuant to *Monitoring and Reporting Program No. R9-2002-0002* and determine if the data indicates that the discharge has caused, or contributed to, an exceedence of applicable water quality objectives or impairment of water quality needed for designated beneficial uses in San Diego Bay.
2. The discharger shall file a new Report of Waste Discharge not less than 180 days prior to the following:
 - a. Addition of any industrial waste to the discharge or the addition of a new process or product resulting in a change in the character of the wastes.
 - b. Significant change in disposal method (e.g., change in the method of treatment which would significantly alter the nature of the waste).
 - c. Significant change in disposal area (e.g., moving the discharge to a disposal area significantly removed from the original area, potentially causing different water quality or nuisance problems).
 - d. Increase in flow beyond that specified in this Order.
 - e. Other circumstances, which result in a material change in character, amount, or location of the waste discharge.
3. The discharger shall give advance notice to this Regional Board of any planned changes in the regulated facility or activity, which may result in noncompliance with the requirements of this Order.
4. The discharger must notify this Regional Board, in writing, at least 30 days in advance of any proposed transfer of this facility to a new discharger. The notice must include a written agreement between the existing and new discharger containing a specific date for the transfer of this Order's

responsibility and coverage between the current discharger and the new discharger. This agreement shall include an acknowledgment that the existing discharger is liable for violations up to the transfer date and that the new discharger is liable after the transfer date.

5. The discharger shall report any noncompliance, which may endanger health or the environment orally to this Regional Board within 24 hours from the time the discharger becomes aware of the circumstances. The following occurrences must be reported to this Regional Board within 24 hours:
 - a. Any upset which causes the effluent limitations of this Order to be exceeded; and
 - b. Any violation of any prohibition of this Order.

The discharger shall submit to this Regional Board a written follow-up report within ten days unless this Regional Board explicitly waives submission the written report on a case-by-case basis if the oral report has been received within 24 hours. The written report must contain the following items:

- a description of the noncompliance and its cause;
 - the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
 - steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
6. The discharger shall furnish to this Regional Board, within a reasonable time, any information which this Regional Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order, or to determine compliance with this Order. The discharger shall also furnish to this Regional Board, upon request, copies of records required to be kept by this Order.
 7. When the discharger becomes aware that it failed to submit any relevant facts in a Report of Waste Discharge, or submitted incorrect information in a Report of Waste Discharge, or in any report to this Regional Board, it shall promptly notify the Regional Board of the failure and submit corrected facts or information.
 8. All applications, reports, or information submitted to this Regional Board shall be signed and certified as follows.
 - a. All Reports of Waste Discharge shall be signed as follows by either a principal executive officer or

ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

- b. All reports required by this Order, and other information requested by this Regional Board shall be signed by a person described in paragraph a. of this reporting requirement, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - (1) The authorization is made in writing by a person described in paragraph a. of this reporting requirement;
 - (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and,
 - (3) The written authorization is submitted to this Regional Board.
- c. If an authorization under paragraph b. of this reporting requirement is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph b. of this reporting requirement must be submitted to this Regional Board prior to or together with any reports, information, or applications to be signed by an authorized representative.
- d. Any person signing a document under paragraph a. or b. of this reporting requirement shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision

in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

9. Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this Order shall be available for public inspection at the offices of the California Regional Water Quality Control Board, San Diego Region and the United States Environmental Protection Agency, Region IX. As required by the Clean Water Act, Reports of Waste Discharge, this Order, and effluent monitoring data shall not be considered confidential.

10. The discharger shall submit reports and provide notifications as required by this Order in accordance with the following:

- a. Reports required to be submitted to this Regional Board shall be sent to:

Industrial Compliance Unit
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, California 92123-4340

Notifications required to be provided to this Regional Board shall be made to:

Telephone - (858) 467-2952 or
Facsimile - (858) 571-6972

- b. Reports required to be submitted to the USEPA shall be sent to:

U.S. Environmental Protection Agency
Region IX
Compliance Office (WTR-7)
75 Hawthorne Street
San Francisco, California 94105

G. NOTIFICATIONS

1. CWC Section 13263(g) states:

No discharge of waste into the waters of the state, whether or not the discharge is made pursuant to waste discharge requirements, shall create a vested right to continue the discharge. All discharges of waste into waters of the state are privileges, not rights.

2. The CWC provides for civil and criminal penalties comparable to, and in some cases greater than, those provided for under the Clean Water Act. [CWC Sections 13385, and 13387]

Nothing in this Order shall be construed to protect the discharger from its liabilities under federal, state, or local laws.

Except as provided for in 40 CFR 122.41(m) and (n), nothing in this Order shall be construed to relieve the discharger from civil or criminal penalties for noncompliance.

Nothing in this Order shall be construed to preclude the institution of any legal action or relieve the discharger from any responsibilities, liabilities, or penalties to which the discharger is or may be subject to under Section 311 of the CWA.

Nothing in this Order shall be construed to preclude institution of any legal action or relieve the discharger from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the CWA.

3. Any noncompliance with this Order constitutes violation of the California Water Code and is grounds for denial of an application for permit modification. (Also see 40 CFR 122.41(a))
4. This Order shall become effective 10 days after the date of its adoption, provided the USEPA Regional Administrator has no objection. If the Regional Administrator objects to its issuance, this Order shall not become effective until such objection is withdrawn.
5. This Order expires on August 14, 2007.

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted

by the California Regional Water Quality Control Board, San Diego Region, on August 14, 2002.

_____tentative_____
JOHN H. ROBERTUS
Executive Officer